

Official Form 17A (12/14)

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

CLERK
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF
NEW YORK

-----;
In Re Eric H. Richmond,

Chapter 11 B26 P 3: 33

Debtor

No. 14-41678 (cec)

RECEIVED

-----;
[Caption as in Form 16A, 16B, or 16D, as appropriate]

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Part 1: Identify the appellant(s)

1. Name(s) of appellant(s):

Eric H. Richmond

2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

☐ Plaintiff

☐ Defendant

☐ Other (describe) _____

For appeals in a bankruptcy case and not in an adversary proceeding.

☒ Debtor

Creditor

Trustee

Other (describe) _____

Part 2: Identify the subject of this appeal

1. Describe the judgment, order, or decree appealed from: _____

DENIAL OF RECONSIDERATION OF OPINION THAT APPEAL NOT TAKEN IN

GOOD FAITH

2. State the date on which the judgment, order, or decree was entered:

January 08, 2016

Part 3: Identify the other parties to the appeal

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: PB #7, LLC

Attorney: Glenn P Warmuth
Stim and Warmuth
2 Eighth Street
Farmingville, New York, 11738
631-732-2000

2. Party: Michael Macco
Trustee

Attorney: Michael J. Macco
2950 Expy Dr S #109,
Islandia, NY 11749
Phone: (631) 479-2869

Official Form 17A (12/14)

Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.


- ☐ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

Part 5: Sign below

Signature of attorney for appellant(s) (or
appellant(s) if not represented by an attorney)

Name, address, and telephone number of attorney
(or appellant(s) if not represented by an attorney):

Date: January 22, 2016


Eric Richmond, Pro Se
2107 Regent Place
Brooklyn, NY 11226
646 256 9613

Fee waiver notice: If appellant is a child support creditor or its representative and appellant has filed the form specified in § 304(g) of the Bankruptcy Reform Act of 1994, no fee is required.

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

CLERK
U.S. BANKRUPTCY COURT
EASTERN DISTRICT OF
NEW YORK

CIVIL COVER SHEET

2015 JAN 26 P 3: 32

This form is REQUIRED for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. IN RE: Bankruptcy Case No. 14-41678(cec) Ad v. Pro. No. (if applicable) _____

Bankruptcy Appeal

APPELLANTS

Eric H. Richmond

APPELLEES

P.B. #7, LLC

ATTORNEYS (FIRM NAME, ADDRESS, TEL. NO.)

Eric Richmond, Pro Se
2107 Regent Place
Brooklyn NY 11226
(646) 256 - 9613

ATTORNEYS (IF KNOWN)

Glenn P. Warmuth
Stim and Warmuth
2 Eighth Street
Farmingville, NY 11738 - Ph - 631-732-2000

BASIS OF JURISDICTION: Federal Question

CAUSE OF ACTION - 28:1334 Bankruptcy Appeal (*Write brief statement of cause.*)

-Bankruptcy Court erred in finding that Motion "does not present any grounds that warrant reconsideration" without actually conducting any analysis of the issue being appealed, let alone an objective one as per the case cited by the Bankruptcy Court, in re Coppedege.

-Bankruptcy Court erred in not addressing whether the question presented was a substantial question.

-Bankruptcy Court erred in misstating a material fact, that an amendment to an order was requested, granted, signed and entered when it was, in fact, an amended order, so much so that only "an experienced pro-se litigant" would notice.

NATURE OF SUIT: 422 Bankruptcy
Appeal (801) RELATED CASE(S) IN
DISTRICT COURT, IF ANY

DISTRICT JUDGE _____

DOCKET NUMBER _____

CIVIL CASES ARE DEEMED RELATED IF PENDING CASE INVOLVED:

1. PROPERTY INCLUDED IN AN EARLIER NUMBERED PENDING SUIT
2. SAME ISSUE OF FACT OR GROWS OUT OF THE SAME TRANSACTION
3. VALIDITY OR INFRINGEMENT OF THE SAME PATENT, COPYRIGHT OR TRADEMARK

Date: 01/22/2016 Signature of Attorney of Record: [Signature] [or Appellant Pro Se]

FOR COURT USE ONLY

APPLYING IFP _____ **JUDGE** _____ **MAG. JUDGE** _____

CIVIL COVER SHEET, Bankruptcy Appeal (cont'd)

Did the cause of action arise in Nassau or Suffolk County? NO

If YES, please indicate which county: _____

I am currently admitted in the Eastern District of New York and currently a member in good standing of the bar of this court. YES NO - X

Are you currently the subject of any disciplinary action(s) in this or any other state or federal court?

YES (If yes, please explain) NO - X

Please provide your bar code and e-mail address below. Your bar code consists of the initials of your first and last name and the last four digits of your social security number, or any other four-digit number registered by the attorney with the Clerk of Court. This information must be provided pursuant to local rule 11.1(b) of the local civil rules.

Attorney Bar Code: NONE

E-Mail Address: brooklynlyceum@gmail.com

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

-----x
In re:

Case No. 14-41678-cec

Eric H. Richmond,

Chapter 13

Debtor(s).
-----x

ORDER DENYING MOTION TO RECONSIDER

On November 13, 2015, Eric H. Richmond (the “Debtor”) filed a notice of appeal (the “Appeal”) [ECF Doc. No. 392]¹ of the order [ECF Doc. No. 373] denying the Debtor’s motion to extend the time to appeal [ECF Doc. No. 369] the order [ECF Doc. No. 289] denying the Debtor’s motion to vacate [ECF Doc. No. 260] the order [ECF Doc No. 112] denying the Debtor’s motion for a stay pending the Debtor’s appeal [ECF Doc. No. 93] of the amended order lifting the automatic stay [ECF Doc. No. 71]. The Appeal included an application to proceed without prepayment of fees (the “Application”) [ECF Doc. No. 392-1]. On November 19, 2015, the District Court entered an order [ECF Doc. No. 404] referring the Application to this Court to determine “whether the [A]ppeal is taken in good faith and whether it otherwise complies with the requirements of 28 U.S.C. § 1915.” On December 8, 2015, this Court issued an opinion certifying that the Appeal was not taken in good faith (the “Opinion”) [ECF Doc. No. 406]. The Opinion was docketed on the District Court’s docket for the appeal [Case No. 15-cv-6621, ECF Doc, No. 3]. A notice was subsequently entered on the District Court’s docket informing the Debtor that the Application was denied, and that he would be required to pay the full filing fee to pursue the appeal [Case No. 15-cv-6621, ECF Doc. No. 4].

¹ All references to “ECF Doc. No.” refer to the docket in this case, Case No. 14-41678, unless otherwise indicated.

On December 22, 2015, the Debtor filed a "Motion to Reconsider Order Denying In Forma Pauperis" (the "Motion") [ECF Doc. No. 413]. However, this Court never entered an order denying the Application. Therefore, the Court will treat the Motion as one seeking reconsideration of the Opinion. The Court has considered the Motion as well as the Affirmation in Opposition filed by P.B. #7 LLC [ECF Doc. No. 417] and the Affirmation in Further Support filed by the Debtor [ECF Doc. No. 420]. As the Motion does not present any grounds that warrant reconsideration of the Opinion, it is therefore

ORDERED, that the Motion is denied; and it is further

ORDERED, that the Court certifies pursuant to 28 U.S.C § 1915(3) that any appeal from this order would not be taken in good faith.

**Dated: Brooklyn, New York
January 8, 2016**




Carla E. Craig
United States Bankruptcy Judge